



**RULES AND REGULATIONS
JORDAN CEMETERY
2800 Fuller Road
West Des Moines, IA 50265**

DEFINITIONS

“Burial plot” and “Burial space” mean the area designed for interment of human remains.

“Cemetery” includes a burial park for earth interments.

“Certificate of Interment Rights” refers to the document delivered by the city as grantor to a grantee of a designated burial space. Such document does not convey title in any form and shall not be construed as more than a right to inter human remains at a particular place as limited by the ordinances of the city and regulations made pursuant thereto as the same may from time to time be amended.

“City” means City of West Des Moines, Iowa.

“Flush marker” means a marker that is no higher than the surrounding ground surface.

“Immediate family” includes spouse, children and parents.

“Inurnment” means the placement of cremated human remains in an urn or container.

“Interment” means the permanent disposition of the remains of a deceased person by inurnment or burial.

“Interment space” means burial plot or burial space.

“Monument” includes a memorial, marker, tablet, headstone, or tombstone.

“Owner” means the person or other entity that has been issued a right of interment document for themselves or others.

“Ownership” as the term relates to burial spaces in Jordan Cemetery is limited in meaning to the right of interment and includes no other elements of title ascribed to real estate by law.

PURCHASE OF PLOTS

1. Burial plots may be purchased at the Parks & Recreation Department administrative office from the Superintendent of Parks.
2. The Parks & Recreation Department will issue a Certificate of Interment Rights to the Owner upon full payment for the burial plot. Charges for burial plots are established by a resolution of the City Council.
3. The City will keep a copy of the Certificate of Interment Rights on file. The Owner or immediate family should keep the original Certificate in a secure location as it may be needed as proof of ownership. The Certificate will be the sole agreement between the City and the Owner.
4. The Owner may not re-sell or transfer the burial plot to anyone outside his or her immediate family. The transfer to an immediate family member can only occur with the surrender of the original Certificate of Interment Rights document to the City. The City will issue a new Certificate to the family member. There will be no transfer fee for the transfer of a burial plot to an immediate family member.
5. If the Owner no longer has a need for a burial plot and does not wish to transfer it to an immediate family member, he or she may surrender the original Certificate of Interment Rights to the City. The City can then re-sell the interment rights. Upon resale of the Certificate, an amount equal to the current charge for burial plots (minus a transfer fee) will be refunded to the original owner. The City will issue a new Certificate to the new owner. The City does not guarantee the resale, but will make every effort to sell surrendered plots.
6. Abandoned lots will revert to the City under the provisions of Chapter 523I of the Code of Iowa. The City will follow all required noticing procedures.
7. A plot or plots can be reserved for future purchase for a period of up to 90 days from the reservation date in the cemetery records. A maximum of 5 plots can be reserved by each reserving party. If the reserving party has not purchased the plot(s) by the end of the 90 day reservation period, the reservation will be removed from the cemetery records. The previously reserved plot will then become available for purchase by others. The City is under no obligation to provide notice to the reserving party at the end of the reservation period. During the 90 day reservation period, it will be the responsibility of the reserving party to keep all contact information updated with the City. If someone other than the reserving party wishes to purchase a reserved plot, the City will attempt to contact the reserving party. It will then be up to the reserving party to either give up the reserved plot or purchase it at that time. Reservation of a plot or plots gives no rights to the reserving party.

INTERMENT RIGHTS OF OWNERS

1. All burial spaces are presumed to be for purposes of interment of the person named as grantee in the Certificate of Interment Rights.
2. Unless otherwise directed in writing and filed with the Parks & Recreation Department, by the Owner, his devisees, or heirs, the City will permit the interment of members of the Owner’s family as follows:

- a) surviving spouse of the owner has first right to interment or to direct the right of interment;
 - b) when there is no surviving spouse, devisees or heirs of owner may, by agreement in writing, determine who among them shall have the interment rights or the right to direct interment;
 - c) if no written agreement exists, parents or children of the deceased owner will be interred in order of need for interment;
 - d) if there is no parent or child, the right of interment passes pursuant to the applicable statutes of descent of the Iowa Code.
3. Any surviving spouse, parent, child or heir of a deceased Owner may waive their right of interment in favor of any other relative of the deceased owner.
 4. Only the person whose name appears on the Certificate of Interment will be recognized as owner of the space, without a will or satisfactory written proof of descent.

INTERMENT AND DISINTERMENT

1. Written confirmation of burial plot location may be required from the funeral director prior to interment. The City will not be held responsible for any error in burial plot location occurring without written confirmation. Any additional costs due to a change of location made after opening of the interment space has begun shall be at the expense of the Owner or Owner's family.
2. The City is not responsible for obtaining an interment permit or for the identity of the person being interred.
3. If location instructions and written confirmation cannot be obtained or is indefinite, or if interment space cannot be opened where specified, the Superintendent of Parks may, at his or her discretion, open an interment space at such a location as he or she deems best and proper so as not to delay the funeral. The City will not be held liable for damages for any error so made.
4. A request for interment must be made with the Superintendent of Parks at least 48 hours prior to any interment. Additional notice may be required if adverse conditions exist, i.e. heavy snow, frozen ground, etc.
5. A written request for disinterment, with the proper permit as required by applicable state law attached, must be filed with the Superintendent of Parks at least one week prior to any disinterment.
6. Charges for interment and related services must be paid by the funeral home at the time of billing by the City. There will be additional charges for snow removal.
7. Charges for disinterment must be paid in advance.
8. Full payment for a Certificate of Interment Rights must be received prior to interment.
9. Charges for interment and disinterment will be made according to the Schedule of Fees approved by resolution of the City Council.
10. All interments of bodies must be made in a permanent outer vault. An urn vault is not required, but ashes from cremation must be in a recoverable container.
11. No more than one body may be interred in one burial plot, except in the case of simultaneous deaths of a mother and infant, father and infant, or two children buried at the same time in the same vault.
12. Ashes from cremation may be interred in a regular burial plot intended for burial of a body. However, one burial plot may be used for no more than the ashes of two persons, or for one body and the ashes of one person. An additional charge will apply for a second Certificate of Interment Rights.

MONUMENTS

1. All monuments, memorials, and markers are owned by the citizen and are not the responsibility of the City.
2. Any monument that is in conflict with a burial will be moved out of the way by the City at the time the grave is dug. It will be the responsibility of the family to reset the monument on a new footing in the proper location within a reasonable timeframe. The City will not be responsible for resetting monuments that are in conflict with burials except where the moved monument is unrelated to the burial.
3. All monuments must be approved in writing by the Superintendent of Parks prior to an order being placed with a monument company. Approval may require a plan or diagram of any footing or foundation necessary for the installation of any monument.
4. The City will mark the location of all monuments. A request for the location of a monument must be made to the Superintendent of Parks no later than three business days before any work begins. If requests are not submitted in a timely manner or if multiple locates are required due to delays in marker setting, the City may charge the monument company for extra work as set forth in the Schedule of Fees. Completed monuments are subject to the approval of the Superintendent of Parks.
5. The City reserves the right to approve all monuments and the setting of monuments, stones and markers. The transportation of all tools and materials within the cemetery shall be subject to the supervision and control of the Superintendent of Parks. Heavy trucks or machinery will not be permitted within the cemetery when such work might

cause damage. No material or machinery used for construction of monuments may be brought into the cemetery until required for immediate use.

6. No monument may be erected when a funeral is in progress.
7. Damage done to burial plots, walks, trees, shrubs, drives, sod or other property by monument dealers or contractors shall be repaired at the direction of the Superintendent of Parks. No concrete can be washed out within the cemetery. If the monument dealers or contractors do not make the repairs, the cost of the repair will be billed to them by the City.
8. All monuments must be set on frost footings that extend forty-two (42) inches below ground.
9. All monuments shall be constructed of first grade granite guaranteed as such by the monument dealers.
10. Vases integral to above ground monuments shall be made of granite, bronze or aluminum. No permanent vases or decorations are allowed on flush markers that will impede mowing over the marker.
11. The name on the monument must correspond with the name and record in the office of Parks & Recreation Department. No changes can be made except by permission of the Superintendent of Parks.
12. No above ground mausoleums or tombs will be allowed. Monuments intended for the above ground interment of ashes will be allowed if they meet all other requirements for monuments and Certificates of Interment Rights have been purchased for each person's ashes.
13. Above ground monuments shall be placed only at the head of the burial plot.
14. Single monuments must be centered at the head of the plot and be no more than thirty-six (36) inches in length and twenty-four (24) inches in width.
15. If one shared monument is identifying two adjacent burial plots, the monument must be centered between the two plots and be no more than sixty (60) inches in length and twenty-four (24) inches in width.
16. Larger monuments may be allowed with the purchase of additional burial plot(s). In this case, a minimum of eighteen (18) inches must be allowed between the edge of the monument and the adjacent burial plot.
17. Only one above ground monument will be allowed on a burial plot. On a plot containing more than one body and/or ashes (mother or father and infant, twin children, two children, body and ashes, or two ashes) additional flush markers will be allowed.
18. Only flush markers will be allowed on spaces intended for the burial of cremains. The markers shall be no greater in size than eighteen (18) inches in length by twelve (12) inches in width.
19. No monuments may be removed without the consent of the Superintendent of Parks.
20. A monument cannot be installed and information cannot be included on a monument unless a Certificate of Interment Rights has been purchased for that person.

TREES, SHRUBS, FLOWERS, AND DECORATIONS

1. Owners and family members may plant non-woody perennials and annuals on burial plots with the permission of Superintendent of Parks. Plantings are done at the risk of the Owner or family member and will not be maintained by the City. The City will not be liable for damage caused to plantings in the performance of maintenance or other cemetery operations. The City may remove existing plantings, at the discretion of the Superintendent of Parks, if they become unsightly, undesirable, or impede maintenance. Plantings removed by the City will not be replaced.
2. No shrubs, trees or other woody plants (i.e. rose bushes) are allowed to be planted on burial plots. However, with the approval of the Superintendent of Parks, trees may be donated to the City. All donated trees will be purchased and planted by City staff upon payment of all related costs by the tree donor. Planting dates will be determined by the Superintendent of Parks. All donated trees become the property of the City. The City will make every effort to properly maintain donated trees, but will not guarantee tree survival or replacement. No fee in addition to the cost of the tree and planting will be charged if a donated tree is planted in a location that is not within a burial plot, i.e. along roadways or in walkway areas. A donated tree may occupy a monument space for an additional fee equal to the current fee charged for a monument space. Payment of this fee and donation of a tree planted in a monument space gives the tree donor no rights to the space. No certificate of interment rights will be issued, no burial can occur, and no monument can be installed. Due to space restrictions, the City reserves the right to limit tree locations and the number of donated trees.
3. Fresh cut flowers may be used at any time and will remain until, in the judgment of the Superintendent of Parks, they become wilted or unsightly. Containers cannot be glass and need to be level with the ground surface or of the type to be disposed of when the flowers are removed.
4. Potted plants may be set on graves, without disturbing the sod, on special occasions, such as Memorial Day, birthdays, and anniversaries. If not removed within five (5) days, the plants will be removed if unsightly.
5. Decorations may be placed on burial plots adjacent to the monument. However, the following weeks have been established for cemetery cleanup: April 1 – April 8 and November 1 – November 8. All decorations, other than in-season flowers in vases integral to the monument, will be removed during the established cleanup weeks. Decorations removed from burial plots will be temporarily stored and can be claimed by calling the Parks & Recreation

Administrative Office at 222-3444. If not claimed, all stored decorations from the previous year will be discarded on April 1. Decorations will be removed at any time, at the discretion of the Superintendent of Parks or parks maintenance staff, if they are unsightly or if they impede maintenance of a burial plot. The City will not be liable for damage caused to decorations in the performance of maintenance or other cemetery operations.

6. No person shall trim, prune or remove branches from any tree or shrub in the cemetery. No person shall apply fertilizer, herbicides, or pesticides to turfgrass or other plants in the cemetery.

PRIVILEGES AND RESTRICTIONS

1. No mounds raised above the general level of the surrounding ground will be allowed.
2. No hedges, fences or enclosures of any kind will be permitted on or around burial plots.
3. Wooden objects, wreaths, glass jars, bottles, toys, cans, and other unsightly objects as determined by the Superintendent of Parks will be removed and discarded by the City without notice.
4. No artificial lighting, such as solar-powered landscape lights, will be permitted on or around burial plots.
5. Flags and emblems may be used for a five day period up to and including Memorial Day, but will be removed if still in place after five days.
6. New benches or seats will only be allowed if they are located in place of a monument at the head of a grave and must meet all monument size restrictions. All existing benches placed prior to April 15, 2013 will be allowed to remain. If a bench is removed by the owner or the City for any reason, any replacement bench will be considered a new bench that must meet the above requirements. The City will not be liable for damage caused to benches in the performance of maintenance operations. The owner of the bench is responsible for keeping the bench in good repair. The City has the right to remove any bench that is unsightly or unsafe and will not be responsible for replacement of the bench.
7. The City reserves the right for its staff and those persons necessary to the performance of normal cemetery operation and maintenance to enter upon or cross over any burial plot in the cemetery.
8. The City and its employees, its elected officials, and anyone working on behalf of the City, assume no liability for damages, actual or mental anguish, in the performance of its normal operations, or loss by vandalism or other acts beyond its reasonable control.
9. The City reserves the right to alter, change, or close roadways and other physical properties of the cemetery.
10. The City reserves the right to amend or change these rules and regulations.

RULES FOR VISITORS

1. The cemetery will be open to visitors at all times between the hours of dawn and dusk. Permission to enter the cemetery at any other time must be obtained from the Superintendent of Parks or the Police Department.
2. No refreshments, food or drink are allowed in the cemetery.
3. No person shall gather flowers, either wild or cultivated, damage trees, shrubbery, or plants, feed or disturb birds or other animal life in the cemetery.
4. Dogs and other pets are not allowed in the cemetery.
5. No motor vehicles shall be admitted into the cemetery except when in attendance at funerals, for purposes of grave visitation or on business connected therewith. A vehicle shall not be parked in front of an open burial plot unless the driver is in attendance at a funeral. Vehicles traveling in the cemetery must not exceed ten (10) miles per hour.
6. No person shall solicit the sale of any commodity including but not limited to memorial sales or service within the confines of the cemetery.
7. Littering or dumping of trash on any part of the cemetery grounds is prohibited.
8. No firearms are permitted within the cemetery, unless being used at a military funeral and upon the prior approval of the Superintendent of Parks.
9. No unauthorized signs, notices or advertisements of any kind shall be allowed in the cemetery.
10. The use of skateboards, in-line skates, or roller skates in the cemetery is prohibited.

For further information, please contact:

Sally Ortgies
Superintendent of Parks
515-222-3447

Effective Date: **February 1, 2016**